

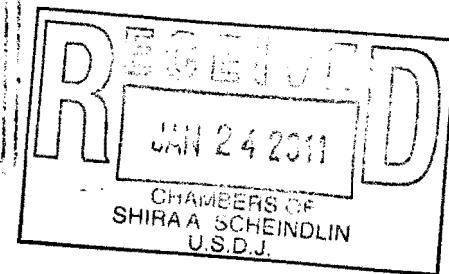
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January 21, 2011

By Hand

Hon. Shira A. Scheindlin
United States District Judge
United States District Court
Southern District of New York
Daniel Patrick Moynihan U.S. Courthouse
500 Pearl Street, Rm. 1050
New York, New York 10007



Re: Fogarazzo, et al. v. Lehman Brothers, Inc., et al. 03-CV-5194(SAS)

Dear Judge Scheindlin:

We are the attorneys for the Lead Plaintiffs and the certified Class in the above-referenced action. As you may recall, we reached a partial settlement of this action with defendants Morgan Stanley and Goldman Sachs, which settlement received Your Honor's preliminary approval after a conference held on August 31, 2010. The final approval hearing for the proposed partial settlement is scheduled for Monday, January 31, 2011 at 4:30 P.M.

All of the papers in support of the Court's final approval of the partial settlement were due to be filed on Monday, December 27, 2010. Due to inclement weather conditions in New York City, Plaintiffs made an application, on consent, for a one-day extension of this filing deadline, which application was granted by the Court. Thus, the papers in support of Plaintiffs' application for the Court's final approval of the partial settlement were served and filed on Tuesday, December 28, 2010.

As part of Lead Counsel's current preparation for the final approval hearing, we have been reviewing the documents filed on December 28, 2010. Our review has disclosed that a ministerial / clerical error occurred with regard to one of the documents filed by Lead Counsel. The Affidavit Of Curtis V. Trinko In Support Of Motion For Award Of Attorneys' Fees And Reimbursement Of Expenses had certain invoices annexed thereto reflecting the balances due of certain contractual obligations to pay of Lead Counsel for services rendered during the

*Amended Affidavit. The Trinko Amended Affidavit
will be substituted for the original Trinko
affidavit. So Please. JST/JW 1/24/11*

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prosecution of this litigation. An Exhibit thereto was the purported Final Bill From Dr. Paul J. Irvine for his consulting services. It appears that Lead Counsel received orally the "balance due" information from Dr. Irvine, which was included in the text of the Trinko Affidavit, and that said information appears to be essentially correct, except for a mathematical error concerning 0.1 Hrs. of Dr. Irvine's services, which reduces the balance due by \$50. As an underlying Exhibit to the Trinko Affidavit, the original Invoice from Dr. Irvine reflected the hours of consultancy expended, and the balance due for such services. However, the Invoice submitted on December 28th appears to have been a "draft" invoice, and does not properly reflect the value of Dr. Irvine's services, as explained in Paragraph 7 of the Trinko Affidavit.

Accordingly, Plaintiffs' counsel is hereby making an application to the Court for the substitution of the Amended Affidavit Of Curtis V. Trinko In Support Of Motion For Award Of Attorneys' Fees And Reimbursement Of Expenses, which now contains the Revised Final Bill from Dr. Paul J. Irvine correctly reflecting the balance due of \$49,202.00 for his RSL-related services as Exhibit C thereto.

The only additional changes to the Trinko Affidavit are the computation revisions to reflect the deletion of 0.1 Hour from Dr. Irvine's Invoice, as well as the addition of a footnote earlier in Paragraph 7 to explain that the expenses being sought by Lead Counsel do not encompass the value of the services and expenses of the Claims Administrator, which are being paid pursuant to the Court's Preliminary Approval Order, dated September 27, 2010.

We have discussed the submission of this Amended Affidavit with Defendants' Counsel, and have received their consent to this submission.

Respectfully submitted,



Curtis V. Trinko

cc: Defendant's Counsel
(By Email)